

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group:

Attorney Docket #.: 3611

In re:

Applicant(s): GOETTEL, OTTO

Serial No.: 10/576,090

Filed: 04/18/2006

AMENDMENT

February 27, 2008

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

The Office Action of January 30, 2008 has been carefully considered.

Restriction has been required under 37 USC 121 and 372 between Group I, Claims 1-3; Group II, Claims 4-9, and Group III, Claims 10-15.

Applicant provisionally elects for further prosecution Group II, Claims 4-9 drawn to compositions for dyeing keratin fibers.

However, applicant traverses the Examiner's position regarding a requirement for restriction.

The subject application is based upon international application PCT/EP/2004/009795.

It is believed that the restriction requirement is clearly not in accordance with PCT Rule 13.

The above application claims a product (Claims 1-3), a process specially adapted for the manufacture of this product (Claims 10-15) and the use of this product (Composition Claims 4-9). The combination of the above claimed groups in a single international application is fully in accordance with Rule 13 PCT. Reference is made in this respect to PCT Applicant's Guide Volume I-International Phase-No. 131.

It is noted that the three claim groups have a technical relationship as they all refer to the compound formula (1).


There does not exist any known prior art that discloses the compounds of formula (1). The compounds of formula (1) must be considered as a "...special technical feature that defines a contribution which each of the claimed inventions makes over the prior art."

Reference is made to Rule 13 PCT in this respect.

As there is clearly a unity of invention, it is believed that the restriction should be withdrawn.

Prosecution in the merits is now respectfully requested.

Respectfully submitted,



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